

DECLARATION AND POWER OF ATTORNEY

DECLARATION:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe, I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND APPARATUS FOR IDENTIFYING A SIGNAL ROUTE FOR DELIVERY OF VIDEO-ON-DEMAND TO A SUBSCRIBER TERMINAL

the specification of which (check only one item below):

☒ is attached hereto.

☐ was filed as United States Application
Serial No. _____ on _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:			
Country (If PCT, indicate PCT)	Application Number	Date Filed	Priority Claimed (Yes/No)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:					
U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
60/176,393	January 13, 2000		X		
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)			

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) with full power of substitution to act exclusively to prosecute this application and transact all business in the Patent and Trademark Office connected there with:

Barry N. Young (Reg. No. 27,744); Timothy W. Lohse (Reg. No. 35,255); Steven R. Sprinkle (Reg. No. 40,825); Terrance A. Meador (Reg. No. 30,298); Ramsey R. Stewart (Reg. No. 38,322); June M. Learn (Reg. No. 31,238); John Oskorep (Reg. No. 41,234); Timothy N. Ellis (Reg. No. 41,734); William G. Goldman (Reg. No. 42,590); Sheila Kirschenbaum (Reg. No. 44,835); Travis L. Dodd (Reg. No. 42,491); Charles D. Gavrilovich, Jr. (Reg. No. 41,031); Gerald W. Maliszewski (Reg. No. 38,054); Hayward A. Verdun (Reg. No. 43,223); Armando Pastrana, Jr. (Reg. No. 44,997); Richard M. Goldman (Reg. No. 25,585); Lisa A. Haile (Reg. No. 38,347); Sal Lim (Reg. No. 45,706); Joseph R. Baker, Jr. (Reg. No. 40,900); Richard J. Imbra (Reg. No. 37,643); Mark L. Berrier (Reg. No. 35,066); Mark M. Takahashi (Reg. No. 38,631); James P. Cleary (Reg. No. 45,843); Karl A. Limbach (Reg. No. 18,689); Gerald T. Sekimura (Reg. No. 30,103); Kyla L. Harriel (Reg. No. 41,816); Eric N. Hoover (Reg. No. 37,355); George C. Limbach (Reg. No. 19,305); Ronald L. Yin (Reg. No. 27,607); Alan A. Limbach (Reg. No. 39,749); Edward B. Weller (Reg. No. 37,468);

All correspondence should be addressed to:

Timothy W. Lohse
GRAY CARY WARE & FREIDENRICH
Attn: Patent Group
3340 Hillview Avenue
Palo Alto, CA 94304

All telephone calls should be directed to Timothy W. Lohse, telephone number (650) 320-7400.

Inventor's Full Name:	Jay B. Schiller
Inventor's Signature:	
Date:	
Residence: (City, State and/or country)	Superior, Colorado
Citizenship:	U.S.
Post Office Address:	261 Rockview Drive, Superior, Colorado, 80027

Inventor's Full Name:	Andrew J. B. Poole
Inventor's Signature:	
Date:	
Residence: (City, State and/or country)	322 South Taft Court
Citizenship:	U.S.
Post Office Address:	322 South Taft Court, Louisville, Colorado, 80027

Inventor's Full Name:	
Inventor's Signature:	
Date:	
Residence: (City, State and/or country)	
Citizenship:	
Post Office Address:	

Patented 06/26/2006

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.
N0417-1110

Serial No.
TBD

Filing Date
Herewith

Patent No.
TBD

Issue Date
TBD

Applicant/ Jay B. Schiller and Andrew J. B. Poole
Patentee:

Invention: **METHOD AND APPARATUS FOR IDENTIFYING A SIGNAL ROUTE FOR DELIVERY OF
VIDEO-ON-DEMAND TO A SUBSCRIBER TERMINAL**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: nCube Corporation

ADDRESS OF CONCERN: 110 Marsh Road, Suite 100, Foster City, CA 94044

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME	_____		
ADDRESS	_____		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	_____		
ADDRESS	_____		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	_____		
ADDRESS	_____		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	_____		
ADDRESS	_____		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Jay B Schiller

TITLE OF PERSON SIGNING

Director, Product Management

OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

261 Rockview Drive
SUPERIOR CO 80027

SIGNATURE:

Jay B Schiller

DATE:

1/13/00

**COMMITTEE DRAFT ISO/IEC CD 13818-1**Date:
1993-12-01

Reference number:

ISO/IEC JTC 1/SC 29 N 658

Supersedes document:
ISO/IEC JTC 1/SC 29 N 634THIS DOCUMENT IS STILL UNDER STUDY AND SUBJECT TO CHANGE. IT
SHOULD NOT BE USED FOR REFERENCE PURPOSES.

Project Number: JTC 1.29.05.02.01

ISO/IEC JTC 1/SC 29Title: Coding of Audio, Picture, Multimedia
and Hypermedia Information *

* subject to JTC 1's approval

Secretariat: Japan (JISC)

Circulated to P- and O-members, and to technical committees and
organizations in liaison for:

- discussion at
- comments by
- voting by (P-members only)

1994-03-15

Title (English):

**Information technology — Generic coding of moving pictures and associated audio information —
Part 1: Systems**Reference Language version: ☒ English ☐ French ☐ Russian**Introductory note:**

In accordance with the JTC 1 Directives, clause 2.1.3.5, subdivision of the Project JTC 1.29.05.02 into four Parts: Part 1: Systems; Part 2: Video; Part 3: Audio; and Part 4: Conformance Testing, has been submitted to JTC 1 for its endorsement (Ref. SC 29 N 589, JTC 1 N 2688).

In anticipation of JTC 1's endorsement of the subdivision, in accordance with Resolution 6 taken at the twenty-second meeting of SC 29/WG 11, 1993-03-29/04-02, Sydney, Australia (Ref. SC 29 N 422), WD was distributed to the SC 29 members for letter ballot closing 1993-09-15 on CD registration (Ref. SC 29 N 425).

As the majority of the SC 29 P-members supports the CD registration (Ref. SC 29 N 541), the WD has been registered as ISO/IEC CD 13818-1, in accordance with Resolutions 3.9.5 and 13 taken at the twenty-fifth meeting of SC 29/WG 11, 1993-11-01/05, Seoul, Korea, Rep. of (Ref. SC 29 N 625), the Disposition of Comments report on the CD Registration ballot (Ref. SC 29 N 631) and the working document for CD (Ref. SC 29 N 634) have been submitted to SC 29 with a recommendation of issuing CD ballot. In accordance with Resolution 93-11/No.4 taken at the fourth SC 29 Plenary meeting, 1993-11-06/08, Seoul, Korea, Rep. of (Ref. SC 29 N 562), SC 29 has approved the Disposition of Comments report and instructed its Secretariat to issue CD ballot upon receipt of final text for CD by SC 29/WG 11 Editorial Group.

All letter ballots should be returned to the SC 29 Secretariat no later than 1994-03-15.

Contact: Narumi HIROSE, Secretariat, ISO/IEC JTC 1/SC 29
IPSJ/ITSCJ (Information Processing Society of Japan/Information Technology Standards Commission of Japan)*
Room 308-3 Kikai-Shinko-Kaikan Bldg. 3-5-8 Shiba-Koen Minato-Ku Tokyo 106 JAPAN
Tel: +81-3-3431-2808; Fax: +81-3-3431-8493; Telex: 2425340 IPSJ J;
Internet: nhrose@attmail.com; MHS: G=namumi; S=hirose; A=attmail; C=jp

* A Standards Organization accredited by JISC

A1

T0270-SC29-01201